

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 15, 2009

Charles R. Fulbruge III  
Clerk

---

No. 08-30706  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO HERNANDEZ-MARIN, also known as Mario Hernandez, also known as Jose G. Hernandez, also known as David Enrique Hernandez, also known as David Enrique Polanco-Marin,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:07-CR-20094-1

---

Before KING, JOLLY, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Mario Hernandez-Marin has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Hernandez-Marin has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issues for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.